

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 823

Introduced by Assembly Member Hill
(Coauthors: Assembly Members Jeffries, Nestande, and Solorio)

February 26, 2009

An act to amend ~~Sections 44062.1 and 44062.3~~ *Section 44062.1* of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as amended, Hill. Smog check: vehicle repair ~~assistance and retirement program~~. *assistance*.

~~(1) Existing~~

Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. ~~The owner of a motor vehicle that has failed its most recent smog check inspection has the right to retire the vehicle from operation at a dismantler under contract with the Bureau of Automotive Repair, and the department is required to pay~~

~~this person up to \$1,500, or more if cost effective. Existing law provides for a repair assistance program available to an individual whose maximum income level is 185% of the federal poverty level, or 225% of the federal poverty level if a certain determination is made, and who is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct, or an individual who has failed a smog check inspection and is directed to a test-only facility.~~

~~This bill would increase this amount to \$2,000 and would authorize the department, in lieu of this payment, to offer transit vouchers to the owner of a motor vehicle who retires the vehicle from operation in accordance with the program.~~

~~(2) Existing law provides for a repair assistance program available to an individual whose maximum income level is 185% of the federal poverty level, or 225% of the federal poverty level if a certain determination is made, and who is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct, or an individual who has failed a smog check inspection and is directed to a test-only facility.~~

This bill would make the repair assistance program available only to low-income individuals whose income does not exceed 225% of the federal poverty level, as specified. The bill would make other conforming changes, and delete obsolete provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44062.1 of the Health and Safety Code
- 2 is amended to read:
- 3 44062.1. (a) The department shall offer a repair assistance
- 4 program through entities authorized to perform referee functions.
- 5 (b) (1) The repair assistance program shall be available to an
- 6 individual who is a low-income motor vehicle owner, and who is
- 7 either or both of the following:
- 8 (A) The owner of a motor vehicle that has failed a smog check
- 9 inspection.
- 10 (B) The owner of a motor vehicle who was issued a notice to
- 11 correct for an alleged violation of Section 27153 or 27153.5 of the
- 12 Vehicle Code involving that vehicle, if the vehicle subject to that

1 notice has failed a smog check inspection subsequent to receiving
2 the notice.

3 (2) The department shall offer repair cost assistance to
4 individuals based on the cost-effectiveness and air quality benefit
5 of the needed repair. Repair assistance may include retesting costs
6 and the costs of repairs to remedy the violation of Section 27153
7 or 27153.5 of the Vehicle Code.

8 (3) An applicant for repair assistance shall file an application
9 on a form prescribed by the department, and shall certify under
10 penalty of perjury that the applicant meets the applicable eligibility
11 standards.

12 (4) Verification of income eligibility shall be based on at least
13 one form of documentation, as determined by the department,
14 including, but not limited to, (A) an income tax return, (B) an
15 employment warrant, or (C) a form of public assistance
16 verification.

17 (c) The repair assistance program shall be funded by the High
18 Polluter Repair or Removal Account.

19 (d) Repairs to motor vehicles that fail smog check inspections
20 and are subsidized by the state through the program shall be
21 performed at a repair station licensed and certified pursuant to
22 Sections 44014 and 44014.2. Repairs shall be based upon a
23 preapproved list of repairs for cost-effective emission reductions
24 or repairs to remedy a violation of Section 27153 or 27153.5 of
25 the Vehicle Code.

26 (e) The qualified low-income motor vehicle owner receiving
27 repair assistance pursuant to this section shall contribute a
28 copayment, as determined by the department, either in cash, or in
29 emissions-related partial repairs as verified by a test-only station
30 pursuant to paragraph (2) of subdivision (c) of Section 44015, or
31 a combination thereof. If the repair cost exceeds the applicable
32 repair cost limit, the department shall inform a motor vehicle owner
33 of all options for compliance at the time of testing and repair.

34 (f) The department may increase its contribution toward the
35 repair of a motor vehicle under this program in excess of the
36 amount authorized for the repair of a high polluter pursuant to
37 paragraph (1) of subdivision (b) of Section 44094, if the department
38 determines that the expenditure is cost effective. In determining
39 the cost effectiveness of the expenditure, the department shall

1 consider a failure of the visible smoke test, pursuant to Section
2 44012.1, and the costs associated with repairing a smoking vehicle.

3 (g) The department shall collect data from the program to
4 provide information to develop recommendations to improve the
5 program. Data collection shall include all of the following:

6 (1) The number of motor vehicle owners that are eligible for
7 repair assistance.

8 (2) The number of eligible motor vehicle owners that use repair
9 assistance funds.

10 (3) The potential for fraud.

11 (4) The average repair bills.

12 (5) The types of repairs being done.

13 (6) The amount of partial repairs done prior to receipt of repair
14 assistance.

15 (7) The emissions benefits of providing repair assistance.

16 (h) For purposes of this section, “low-income motor vehicle
17 owner” means a person whose income does not exceed 225 percent
18 of the federal poverty level, as published quarterly in the Federal
19 Register by the United States Department of Health and Human
20 Services.

21 ~~SEC. 2. Section 44062.3 of the Health and Safety Code is~~
22 ~~amended to read:~~

23 ~~44062.3. (a) The owner of a motor vehicle that has failed its~~
24 ~~most recent smog check inspection may retire the vehicle from~~
25 ~~operation at a dismantler under contract with the Bureau of~~
26 ~~Automotive Repair. The department shall pay a person who retires~~
27 ~~his or her vehicle under this section up to two thousand dollars~~
28 ~~(\$2,000). The department may pay an owner of a motor vehicle~~
29 ~~who elects to retire the vehicle more than two thousand dollars~~
30 ~~(\$2,000), if the department determines that this payment is cost~~
31 ~~effective.~~

32 ~~(b) In lieu of the payment made pursuant to subdivision (a), the~~
33 ~~department may offer a transit voucher with a value equivalent to~~
34 ~~that amount, as that amount may be increased pursuant to~~
35 ~~subdivision (a), to a motor vehicle owner who meets all of the~~
36 ~~requirements of subdivision (a). If the department offers a transit~~
37 ~~voucher, the motor vehicle owner may elect whether to receive~~
38 ~~payment or a transit voucher in lieu of payment.~~

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